

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Name Boccy Moy (typed or prin

ignature Bang Man

Assistant Tommissioner for Patents Washington, D.C. 20231

Sir:

Docket No. MELO 103 DIV I

Prior Application:

Examiner: S. Gilbert

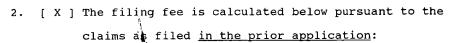
Art Unit: 3736

BE1 3.30.00 #2/PRED1 AMP1

This is a request for filing a [] continuation [X] divisional application of pending prior application Serial No. 08/936,058 filed on September 23, 1997 for Intraluminal Radiation Treatment System.

 Enclosed is a copy of the prior application, including the oath or declaration as originally filed.

I hereby verify that the attached papers are a true copy of prior application Serial No. 08/936,058 as originally filed on September 23, 1997 and further that this statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



- a. [X] less any claims canceled by Amendment below.
- o. [] after entering the attached Preliminary
 Amendment.

[X] Small Entity

| For | Number Filed | Number Extra | Rate | Fee |
|--|-----------------|-----------------|--------|----------|
| Total Claims | 7 | _ | x \$ 9 | \$ |
| Independent Claims | 4 | 1 | x \$39 | \$ 39.00 |
| Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c)) | | | \$130 | |
| Basic Fee (minimum amount required) | | | | \$380.00 |
| Total Filing Fee \$419 | | | | \$419.00 |

] Other than Small Entity

| For | Number Filed | Number Extra | Rate | Fee | |
|--|-----------------|-----------------|--------|----------|--|
| Total Claims | 4 | _ | x \$18 | \$ - | |
| Independent Claims | 2 | 1 | x \$78 | \$ - | |
| Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c)) | | | \$260 | | |
| Basic Fee (minimum amount required) | | | | \$760.00 | |
| Total Filing Fee | | | | | |

- 4. [X] A check in the amount of \$419.00 is enclosed.
- 5. [X] Cancel in this application original claims 1-18,
 23-37, and 41 of the prior application before
 calculating the filing fee. (At least one original
 independent claim must be retained for filing.)
 - [] Enter the enclosed Preliminary Amendment prior to calculating the filing fee.
- 6. [X] Amend the specification by inserting before the first line the sentence: --This is a [] continuation, [X] division, of application Serial No. 08/936,058, filed September 23, 1999.--

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- [] Amend the specification per the attached Preliminary Amendment.
- 7. [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 C.F.R. § 1.138 and before payment of base issue fee.)

| | [|] | New formal drawings are enclosed. |
|-----|-----|---|--|
| | [|] | Informal drawings are enclosed. |
| 8. | [|] | Priority of application serial no |
| | | | filed on in |
| | | | is claimed under 35 U.S.C. § 119. |
| | [|] | The certified copy of the priority application has |
| | | | been filed in prior application serial no |
| | | | , filed |
| 9. | [X | J | With respect to the prior co-pending U.S. |
| | | | application from which this application claims |
| | | | benefit under 35 U.S.C. § 120 the inventor(s) in |
| | | | this application are: |
| | | | a. [] the same. |
| | | | b. [X] less than those named in the prior |
| | | | application and it is requested that the |
| | | | following inventor(s) for the prior |
| | | | application be deleted: Martin B. Tobias |
| | | | |
| | | | - |
| 10. | { |] | The inventorship for all the claims in this |
| | | | application is: |
| | | | a. [] the same. |
| | | | b. [] not the same, and an explanation, |
| | | | including the ownership of the various |
| | | | claims at the time the last claimed |
| | | | invention was made, is submitted. |

| | | | | • | |
|-----|---|-------------|-------------------------|--|--|
| 11. | [|] The | prior | application is assigned of record to | |
| | | Nove | ste Co | orporation | |
| 12. | ί |] The | power | of attorney in the prior application is | |
| | | to: | Stephe | en B. Heller, registration no. 30,181 of | |
| | | <u>Cool</u> | k, Alex | x, McFarron, Manzo, | |
| | | Cumr | Cummings & Mehler, Ltd. | | |
| | | 200 | West 1 | Adams Street, Suite 2850 | |
| | | Chic | cago, I | IL 60606 | |
| | | a. | [X] | The power appears in the original papers | |
| | | | | in the prior application. | |
| | | b. | [] | Since the power does not appear in the | |
| | | | | original papers, a copy of the power in | |
| | | | | the prior application is enclosed. | |
| | | c. | [X] | Address all future communications to: | |
| | | | | Stephen B. Heller | |
| | | | | Cook, Alex, McFarron, Manzo, Cummings | |
| | | | | & Mehler, Ltd. | |
| | | | | 200 West Adams Street - Suite 2850 | |
| | | | | Chicago, IL 60606 | |
| | | | | Respectfully submitted, | |
| | | | | | |

Date: 19 Naromber 1999

Stephen B. Heller Registration No. 30,181

COOK, ALEX, McFARRON, MANZO, CUMMINGS & MEHLER, LTD. 200 West Adams Street Suite 2850 Chicago, Illinois 60606 (312)236-8500